

STATE OF VERMONT

**SUPERIOR COURT
FRANKLIN UNIT**

CIVIL DIVISION

DOCKET NO.: 221-6-19 frcv

ASHLEY TREMBLAY
of Highgate Center, Vermont
Plaintiff

VS.

JBS USA d.b.a. Plumrose USA, Inc.
of Swanton, Vermont,
Defendant

Vermont Superior Court

JUN - 4 2019

RE: Franklin Cove

COMPLAINT

NOW COMES, Plaintiff, Ashley Tremblay, by and through her attorneys, Kissane Associates, and hereby alleges and complains against the Defendant, JBS USA d.b.a. Plumrose USA, Inc. (herein referred to as "JBS") as follows:

GENERAL ALLEGATIONS

1. Plaintiff is a resident of Highgate Center, Vermont.
2. At all times relevant herein, Plaintiff was an employee of Defendant at its meat processing and packaging plant in Swanton, VT. Plaintiff was working for Defendant as a temporary employee through the Vermont Employment Agency.
3. Plaintiff is a woman. Plaintiff identifies as her birth gender, which is female, and her preferred pronouns are she, her, hers and herself.
4. Defendant is a foreign corporation with its principal place of business at 1770 Promontory Circle, Greeley, CO 80634.

5. That as of the date of this filing, Defendant has failed to register as a corporation with the Vermont Secretary of State.
6. Upon information and belief, Defendant acquired Plumrose USA in 2017 and since that time has owned and operated the meat processing and packaging plant at 14 Jonergin Drive, in Swanton, VT which it operates under the name "Plumrose USA, Inc."
7. At all times relevant herein, the Defendant JBS and its officers, directors, supervisors, managers, agents, servants and/or employees, had the duty to provide the Plaintiff with a non-hostile work environment, and a work environment consistent with Vermont's Fair Employment Practices Act, 21 V.S.A. §495, ("V.F.E.P.A.").
8. At all times relevant herein Defendants, officers, directors, supervisors, managers, agents, servants and/or employees, were acting within their scope of employment with Defendant.
9. At all times relevant times herein, Defendant JBS, was the respondeat superior of its officers, directors, supervisors, managers, agents, servants and/or employees.
10. At all times relevant herein, JBS was vicariously liable for the acts of its officers, directors, supervisors, managers, agents, servants and/or employees.
11. At all times relevant herein, Plaintiff was in the scope and course of her employment with the Defendant JBS and belonged to a group protected against the acts described herein under V.F.E.P.A.

COUNT 1
SEX DISCRIMINATION

12. Plaintiff refers to and incorporates herein allegations 1-9 above by reference.
13. During Plaintiff's employment and at all times relevant herein, the Defendant's agents, managers, servants and/or employees discriminated against Plaintiff by engaging in, and maintaining, a work environment where sexual perversion, sexual predation, misogyny, hostility, intimidation, humiliation, ridicule, and harassment based upon Plaintiff's sex; that was explicit, rampant, pervasive.
14. Said conduct was such that a reasonable person in Plaintiff's position would have felt it made Plaintiff's work environment was discriminatory, hostile and abusive.
15. That the aforesaid acts of hostile work environment, harassment, intimidation and abuse perpetrated by Defendants violated Plaintiff's rights as provided under V.F.E.P.A.
16. Plaintiff actually believed that the workplace was hostile and/or abusive.
17. Defendant failed to take sufficient disciplinary action against co-employees and/or supervisors or managers of Plaintiff who harassed Plaintiff.
18. Plaintiff suffered adverse employment consequences and/or actions based on this this sex discrimination.
19. That as a consequence of the Defendant's harassment, intimidation and abuse during Plaintiff's employment she sustained mental anguish including but not limited to: mental distress, emotional distress, shock, fright and humiliation as well as loss of enjoyment of life.

COUNT 2
SEXUAL HARRASMENT

20. Plaintiff refers to and incorporates herein by reference allegations 1-19 above.
21. During Plaintiff's Employment and all relevant times herein, the Defendant, through its agents, managers, supervisors, and employees, engaged in verbal and/or physical conduct of a sexual harassing nature that had the purpose and/or effect of substantially interfering with the Plaintiff's work performance and/or creating an intimidating, hostile and offensive work environment.
22. This conduct included unwelcome sexual advances, requests for sexual favors and solicitation of sexually explicit images.
23. The submission to said conduct was made explicitly and implicitly a term or condition of employment.
24. Defendant failed to ensure a workplace free of sexual harassment for the Plaintiff.
25. Plaintiff actually believed that the workplace was intimidating, hostile and offensive.
26. Plaintiff suffered adverse employment consequences and/or actions based on this this sexual harassment.
27. That as a consequence of the aforementioned conduct and actions of Defendant, through its agents, managers, supervisors, employees, including, but not limited to, harassment, intimidation, offensive conduct and abuse during Plaintiff's employment, she sustained mental anguish including but not limited to: mental distress, emotional distress, shock, fright and humiliation as well as loss of enjoyment of life.

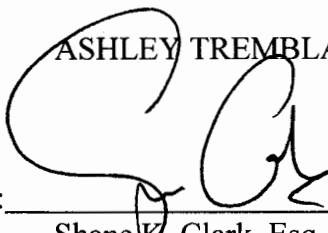
WHEREFORE, Plaintiff demands judgment against the Defendant in such amounts within the jurisdiction of the Vermont Superior Court, Franklin Civil Division as will:

1. Compensate her for his mental anguish, emotional distress, loss of enjoyment of life, damages and losses.
2. Punitive damages in such amounts as determined appropriate by the jury that will adequately punish and exemplify the conduct of the Defendant.
3. Reasonable attorney fees as allowed pursuant to 21 VSA 495b (b).
4. Costs of this action, such interest as is allowed by law together with such other additional relief as this court deems appropriate.

PLAINTIFF DEMANDS A TRIAL BY JURY.

DATED at St. Albans, Vermont, this 31st day of May, 2019.

ASHLEY TREMBLAY

By: 

Shane K. Clark, Esq.
For Kissane Associates
Attorneys for Plaintiff
Two North Main St., Ste. 3
St. Albans, VT 05478
Phone: 802-524-9456 ext. 15
wcounos@aol.com
ERN # 7680

By: 

William T. Counos, II. Esq.
For Kissane Associates
Attorneys for Plaintiff
Two North Main St., Ste. 3
St. Albans, VT 05478
Phone: 802-524-9456 ext. 15
wcounos@aol.com
ERN# 5121

KISSANE ASSOCIATES
ATTORNEYS AT LAW
TWO NORTH MAIN ST.
SUITE 3
ST. ALBANS, VERMONT
05478-1665